

Response under 37 CFR 1.111  
Serial No. 09/931,858  
Attorney Docket No. 011049

### **REMARKS**

Claims 1 - 8 are pending in the present application. No amendments have been proposed. Reconsideration in view of the following remarks is respectfully requested. Applicant respectfully submits that this response is fully responsive to the Office Action dated January 6, 2005.

#### **As to the Merits:**

As to the merits of this case, the Examiner sets forth the following rejection:

claims 1-8 stand rejected under 35 USC 103(a) as unpatentable over Tanaka (U.S. Patent No. 5,845,137) in view of Arnold (U.S. Patent No. 6,289,452).

This rejection is respectfully traversed.

Independent claim 1 calls for *a data recording device recording said encrypted content data and said license key therein, and receiving authentication data and outputting said license key only when said authentication data is authenticated; ... wherein when said detection unit detects that said casing is closed after download of said encrypted content data is started, said power supply control unit controls supplying power required for a call to complete downloading said encrypted content data.* Independent claim 5 is drawn to a similar embodiment.

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Independent claim 3 calls for *a reproduction unit reproducing said encrypted content data recorded in said data recording device; ... wherein when said detection unit detects that said casing is closed after reproduction of said encrypted content data is started, said power supply control unit controls supplying power required for a reproduction process to complete reproducing said encrypted content data.* Independent claim 7 is drawn to a similar embodiment.

For example, as shown in the flow chart of Fig. 13 and as discussed on pages 27 and 28 of the present application, the controller 1106 determines in step S1008 whether the downloading has completed. If the controller determines that the downloading still continues, a detection unit 1117 determines whether the casing of cellular phone 100 has been closed, step S1010. If the casing is closed, the cellular phone is conferred a status on to continue a download process until the current downloading completes, step S1012. With this status, power supply control unit 1116 continues to supply each circuit with a power supply voltage required for the call. Then the amount of data distributed or the like is monitored by controller 1106 to determine whether the downloading has completed, step S1014.

With regard to the primary reference of Tanaka, the Examiner asserts that “Tanaka teaches the terminal device has a detector unit for detecting whether the case is open or closed,

(Col. 11, lines 32-37, Fig. 12). ... Tanaka teaches that the power supply control will not suspend power if there is a modem attached receiving a signal. (Col. 4, lines 40-53).<sup>1</sup>

However, according to lines 32-37, col. 11 of Tanaka, “the LID switch 4 detects the opening or closure of the lid of the information processing system. When the closure of the lid is detected by the LID switch 4, an interruption of the hardware occurs and a program to perform the suspension process is activated.”

In view of the above, it is clear that in Tanaka a power suspension process is activated when the closure of the lid is detected, which is in complete contrast to the present claimed invention *wherein when said detection unit detects that said casing is closed after download of said encrypted content data is started, said power supply control unit controls supplying power required for a call to complete downloading said encrypted content data*, as called for in claim 1.

Moreover, it is submitted that there is no disclosure in Tanaka concerning detecting that the casing is closed after downloading is started via a modem, and supplying the required power to complete the downloading via the modem, when the casing is closed.

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<sup>1</sup> Please see, lines 14-18, page 2 of the Action.

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Furthermore, it is respectfully submitted that the secondary reference of Arnold fails to teach the above-note drawbacks and deficiencies of Tanaka.

In view of the aforementioned remarks, Applicant submits that that the claims are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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